

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 3, 1997
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: None.

Also present: Interim City Manager Cecil Brown, City Attorney William I. Thornton, Jr., City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. At this time, Interim City Manager Brown recognized City Engineer Ken Wright. Relative to Consent Item 5, Mr. Wright stated the resolution proposes a fixed amount of \$300.00 for installing a wheelchair ramp. He stated this charge only applies to the curb-cut which might be installed in front one's residence if requested.

Council Member Langley requested that Consent Item 5 be referred to the Public Works Committee.

SUBJECT: ENGINEERING FEES

To adopt "A Resolution Establishing and Revising Fees for Various Services Provided by the Engineering Department."

MOTION by Council Member Wright

CONSENT AGENDA

SUBJECT: STATUS REPORT FROM OVERSIGHT COMMITTEE FOR SELECTION OF CITY MANAGER

MOTION by Council Member Larson seconded by Council Member Griffin to receive a status report from the Oversight Committee for the Selection of City Manager was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: TAXICAB COMMISSION APPOINTMENTS

a. **MOTION** by Council Member Larson seconded by Council

Member Griffin to approve the Mayor's re-appointment of Bryant Douglas Clinton to the Taxicab Commission for a three-year term to expire January 1, 2000 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

- b. **MOTION** by Council Member Larson seconded by Council Member Griffin to re-appoint Pernell Willie Cannady to the Taxicab Commission for a three-year term to expire January 1, 2000 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: PASS-THROUGH AGREEMENT FOR FHWA SECTION 104(F)
PLANNING FUNDS - TRIANGLE J COUNCIL OF GOVERNMENTS**

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute an agreement with Triangle J. Council of Governments entitled "Contract for the Allocation of FHWA Section 104(f) Planning Funds" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: ENGINEERING FEES

To adopt "A Resolution Establishing and Revising Fees for Various Services Provided by the Engineering Department."

MOTION by Council Member Wright seconded by Council Member Langley to refer this item to the Public Works Committee was approved at 7:40 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
REPROGRAMMING**

MOTION by Council Member Larson seconded by Council Member Griffin to adopt "A Resolution Amending the 1993-94, 1994-95, 1995-96 and 1996-97 Community Development Block Grant Statement of Objectives and Projected Use of Funds" to reprogram \$252,982 from prior years CDBG funds and allocate \$30,423 from the 1996-97 Contingency funds to carry out previously approved CD projects was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem

Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: RESOLUTION CONCERNING ANNEXATION LEGISLATION -
ENDORING NORTH CAROLINA'S CURRENT ANNEXATION LAWS**

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Endorsing North Carolina's Current Annexation Laws and Urging Durham County Legislators to Oppose Changes to Those Laws Which Would Restrict the City's Annexation Authority" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: RESOLUTION OPPOSING HOUSE BILLS 293 AND 294
CONCERNING THE ANNEXATION OF THE PARKWOOD AREA**

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Opposing House Bills 293 and 294 Concerning the Annexation of the Parkwood Area" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: UPDATED STATUS REPORT ON THE NETWORK INITIATIVE

MOTION by Council Member Larson seconded by Council Member Griffin to receive an updated status report on the Network Initiative was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: MID-YEAR BUDGET AND PERFORMANCE REPORT

MOTION by Council Member Larson seconded by Council Member Griffin to receive the mid-year budget and performance report; and

To refer the mid-year budget and performance report to the March 6, 1997 Finance Committee Meeting was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING E. J. "MUTT" EVANS

MOTION by Council Member Larson seconded by Council Member Griffin to direct the City Clerk to draft a resolution memorializing E. J. "Mutt" Evans was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING SAM DILLARD

MOTION by Council Member Larson seconded by Council Member Griffin to direct the City Clerk to draft a resolution memorializing Sam Dillard was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: LIVE FIRE TRAINING EXERCISE - BURNING OF HOUSES AT 1308 MORNING GLORY AVENUE AND 109 AND 111 BLACKNALL STREET

MOTION by Council Member Larson seconded by Council Member Griffin to approve burning the houses at 1308 Morning Glory Avenue and 109 and 111 Blacknall Street for live fire training for the Durham Fire Department was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: PROPOSED EASEMENT TO PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INC. FOR A DISTRICT REGULATOR AT BROWN WATER TREATMENT PLANT

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the conveyance of an easement to Public Service Company of North Carolina, Inc. at the Brown Water Treatment Plant was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS IN CONNECTION WITH THE EASTERN REINFORCING MAIN - PROPERTY OF SYBIL B. ALLEN AND ROBBIE L. MOLES, JR.

- a. Property of Sybil B. Allen

MOTION by Council Member Larson seconded by Council Member Griffin to find that it is necessary in the public interest and for the public use and benefit to acquire, through eminent domain proceedings, approximately 849 square feet, land and improvements, owned by Sybil B. Allen, shown as Tax Map 343-01-026 and to authorize the City Attorney to initiate proceedings for that purpose, with a deposit into the court of \$500 as the City's estimate of just compensation; and

To ratify the mailing of 30-day notices was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

b. Property Robbie L. Moles, Jr.

MOTION by Council Member Larson seconded by Council Member Griffin to find that it is necessary in the public interest and for the public use and benefit to acquire, through eminent domain proceedings, approximately 100 square feet, land and improvements, owned by Robbie L. Moles, Jr., shown as Tax Map 126-10-003 and to authorize the City Attorney to initiate proceedings for that purpose, with a deposit into the court of \$600 as the City's estimate of just compensation; and

To ratify the mailing of 30-day notices was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: SETTING PUBLIC HEARING - STORMWATER UTILITY ORDINANCE

MOTION by Council Member Larson seconded by Council Member Griffin to set a public hearing on Monday, March 17, 1997 on resumption of billing under the previously adopted utility ordinance or, alternatively, a hearing on a revised ordinance and a revised stormwater utility rate structure that comply with the Superior Court decision was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: LOADING AND UNLOADING ZONE - WEST MAIN STREET

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance establishing a loading and unloading zone on the south side of West Main Street in the area beginning at a point 25 feet east of the south curb line

of Chapel Hill Street, if extended, and extending for a distance of 30 feet was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: STOP SIGN - DUKE OF GLOUCESTER

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a stop sign on Duke of Gloucester at South Roxboro Street was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: PARKING PROHIBITION - PORTION OF EAST MAIN STREET

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance prohibiting parking at any time on the south side of East Main Street in the area beginning at a point at the east curb line of Briggs Avenue, if extended, and extending for a distance of 863 feet eastwardly was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: SIDEWALK - ANDERSON STREET (EAST SIDE) FROM MOREHEAD AVENUE TO DUKE UNIVERSITY ROAD

MOTION by Council Member Larson seconded by Council Member Griffin to accept a Certificate of Sufficiency from the City Engineer for the petition for sidewalk on Anderson Street (East Side) from Morehead Avenue to Duke University Road; and

To adopt a resolution setting a public hearing on Monday, March 17, 1997 to consider ordering the petitioned improvement was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: SEWER MAIN - COOK ROAD FROM EAST PROPERTY LINE OF TAX MAP 411-2-4 TO WEST PROPERTY LINE OF TAX MAP 411-2-3 (ENABLING ACT AUTHORITY)

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution setting a public hearing on

Monday, March 17, 1997 to consider ordering sewer main improvements on Cook Road from east property line of Tax Map 411-2-4 to west property line of Tax Map 411-2-3 under the Enabling Act Authority was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Griffin to approve the five Time Payment Petitions listed below was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: STREET ACCEPTANCE - GARRETT FARMS, PHASE IV

MOTION by Council Member Larson seconded by Council Member Griffin to accept certain streets in Garrett Farms - Phase IV as listed below for maintenance by the City of Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Griffin to approve the official minutes of the regular February 3, 1997 City Council meeting was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

GENERAL BUSINESS AGENDA

[PUBLIC HEARINGS]

SUBJECT: PUBLIC HEARING PERTAINING TO ALTERNATIVES SITES AND SOCIOECONOMIC AND DEMOGRAPHIC DATA - SOLID WASTE MANAGEMENT

To hold a public hearing pursuant to G.S. 160A-325 and consider alternative sites and socioeconomic and demographic data.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

SUBJECT: Sewer Main - Kelly Drive from Gatlin Court to East Property Line Tax Map 469-2-3

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution confirming the assessment roll for sewer main on Kelly Drive from Gatlin Court to east property line Tax Map 469-2-3 was approved at 8:46 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: CORRECTION OF ERROR ON ASSESSMENT ROLLS

To adopt resolutions for the correction of errors on the following assessment rolls:

- a. **Water Main - Sherron Road** from the west property line of Tax Map 665-4-3 to Hiddenbrook Drive (changes assessment rate from \$26.72 to \$22.35); and
- b. **Water Main - Sherron Road** from the west property line of Tax Map 664-4-16 to the east property line of Tax Map 664-4-19 (changes assessment rate from \$22.22 to \$18.58).

City Engineer Ken Wright requested that this item be referred to the Public Works Committee.

MOTION by Council Member Wright seconded by Council Member Larson to refer this item to the Public Works Committee was approved at 8:46 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: Water Main - Sherron Road from West Property Line of Tax Map 665-4-3 to Hiddenbrook Drive (Mini Assessment Roll)

To find that the property of W. J. and Janet H. Sherron, identified as Tax Map #666-1-4, Sherron Road, Lot 2, has not benefited at this time from the water main improvement and to

relieve the assessment in the amount of \$15,332.99 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the water main (in accordance with City policy).

City Engineer Ken Wright requested that this item be referred to the Public Works Committee.

MOTION by Council Member Wright seconded by Council Member Larson to refer this item to the Public Works Committee was approved at 8:46 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: Water Main - Sherron Road from West Property Line of Tax Map 665-4-15 to East Property Line of Tax Map 664-4-19 (Mini Assessment Roll)

To find that the property of William J. Sherron, identified as Tax Map #666-1-16, Sherron Road, Tract 3, vacant, has not benefited at this time from the water main improvement and to relieve the assessment in the amount of \$668.88 with the provision that a future frontage charge will be due and payable at the prevailing rate should the property connect to the water main (in accordance with City policy).

City Engineer Ken Wright requested that this item be referred to the Public Works Committee.

MOTION by Council Member Wright seconded by Council Member Larson to refer this item to the Public Works Committee was approved at 8:46 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: Sewer Main - Whitfield Road from Morreene Road to Turnage Heights Outfall (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main improvements on Whitfield Road from Morreene Road to Turnage Heights Outfall under the Enabling Act Authority was approved at 8:47 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: PROPOSED PLAN OF FINANCING PRIVATE ACTIVITY REVENUE BONDS, THE REGENCY GROUP, INC. AND THE AKA SORORITY - PARKVIEW APARTMENTS

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Wright seconded by Council Member Miller to receive citizens' comments on a proposed plan of financing by the City for the issuance of its private activity revenue bonds in an amount not to exceed \$5,500,000 for the financing, acquisition, construction and rehabilitation of a multifamily residential rental project currently known as Parkview Apartments by a limited partnership to be formed by The Regency Group, Inc. and the AKA SorORITY was approved at 8:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: VOLUNTARY PETITION FOR ANNEXATION FY 1997 - TREYBURN WB-1 - WEST OF VINTAGE HILL PARKWAY AND EAST OF THE LITTLE RIVER RESERVOIR

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Griffin to receive citizens' comments concerning annexation of Treyburn WB-1, 35.874 acres non-contiguous to the City Limits, located west of Vintage Hill Parkway and east of the Little River Reservoir; and

To adopt "An Ordinance Annexing to the City of Durham An Area Hereinafter Described, Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, Under the Provisions of NCGS 160A-58 Et. Seq. (Treyburn WB-1)" was approved at 8:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: STREET CLOSING - FARTHING STREET (SC96-12)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Susan Strickland spoke in support of this item.

No one spoke in opposition. The Mayor closed the public hearing.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an "Order Permanently Closing a 10.776± Square Foot Portion of Farthing Street, North of Murray Avenue" was approved at 8:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: DISCUSSION ON BANNING RECYCLABLES FROM ANY FUTURE LANDFILL OR TRANSFER STATIONS

To receive citizens' comments concerning banning recyclables from any future landfills or transfer stations.

SUBJECT: ZONING MATTER CASE P96-45, W. L. DICKERSON, 113 AND 115 NORTH HOOVER ROAD

Case: P96-45

Applicant: W. L. Dickerson

Location: The .46 acre site is located at 113 and 115 N. Hoover Road on the west side of Hoover Road, north of NC 98 (Tax Map 356-2-10, 11)

Request: Rezoning from R-5 (Residential 5 District), F/J-B to CT (Commercial Trades District), F/J-B

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-5, F/J-B and placing same in and establishing same as CT, F/J-B.

Zoning Committee's Recommendation and Vote: Approval - 4-3

City Manager's Recommendation: Denial

Note: The applicant requests that the following rezoning request be rescheduled until May 19, 1997

MOTION by Council Member Wright seconded by Council Member Miller to reschedule this rezoning request at the May 19, 1997 City Council Meeting was approved at 9:15 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO PROVIDE A MORE EFFICIENT PROCEDURE FOR

**CONDUCTING HEARINGS FOR SPECIAL USE PERMIT FOR
TRAFFIC**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member McKissick seconded by Council Member Griffin to receive citizens' comments on the proposed Ordinance; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide a More Efficient Procedure for Conducting Hearings for Special Use Permit for Traffic" was approved at 9:15 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

**SUBJECT: MAJOR SPECIAL USE PERMIT FOR AN ADDITION TO TRIANGLE
DAY SCHOOL ON NEAL ROAD - CASE M97-3**

Recommendation: Hold the public hearing and evaluate the evidence presented. The Planning staff will make a recommendation after the hearing of this case. After the hearing, one of these two motions is in order:

Motion A: Approval With or Without Conditions - To direct the Planning Director to prepare a decision granting with conditions the Use Permit in Case M97-3. (Council should identify any conditions they wish to incorporate into their approval. Staff will prepare the decision for Council's next meeting for action.)

Motion B: Disapproval - To direct the Planning Director to prepare a decision denying the Use Permit in Case M97-3. (Council should identify the findings they are unable to make so these can be incorporated into the decision. Staff will prepare the decision for Council's next meeting for action.)

[OTHER MATTERS]

**SUBJECT: SETTING PUBLIC HEARING AT CITIZEN'S REQUEST
CONCERNING AN ORDINANCE AMENDING THE WATERSHED
PROTECTION PROVISIONS OF THE DURHAM ZONING ORDINANCE**

MOTION by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, March 17, 1997 to receive citizens' comments on "An Ordinance Amending the Watershed Protection Provisions of the Durham Zoning Ordinance" was approved at 9:32 p.m. by the following vote:

Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

Taxicab Commission Report

To receive a report from the Taxicab Commission and to take action on the recommendation of the Taxicab Commission--pursuant to Section 22.159.10 of the Durham City Code concerning the following matter:

Revocation of Operator's License - P. M. Cab Company #113

Taxicab Inspector's Recommendation: Revoke Operator's License (in accordance with City Code)

Taxicab Commission's Recommendation: Revoke Operator's License (Vote 4-0)

SUBJECT: DISTRIBUTION (SALES) OF BEER TO THE GENERAL PUBLIC ON THE OMNI PLAZA, DURHAM JAYCEES - DURHAM ALIVE CONCERTS

Heidi Wilkins spoke in support of this item.

MOTION by Council Member Wright seconded by Council Member McKissick to approve a request from the Durham Jaycees to distribute beer to the general public on the Omni Plaza as part of the Durham Alive! concerts conducted by Downtown Durham, Inc. and several private sponsors on April 24, May 29, June 26, July 31 (rain date--August 14), August 28, and September 25, 1997 was approved at 9:34 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Griffin, Hyman, Larson, McKissick, Wright. Noes: Council Members Langley, Cox, Engelhard, Clement and Miller. Absent: None.

SUBJECT: POLICY TO CONSIDER CONDEMNATION OF PROPERTY FOR TRAIL DEVELOPMENT

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution to establish a policy for considering the condemnation of property for trail development under certain conditions was approved at 9:34 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Members Cox and Engelhard. Absent: None.

SUBJECT: CONSTRUCTION BIDS - PHASE I LANDFILL GAS MANAGEMENT SYSTEM AT THE EXISTING LANDFILL, ECO SYSTEMS, INC.

MOTION by Council Member Larson seconded by Council Member Clement to accept the bid from Eco Systems, Inc. in the amount of \$1,105,790.00 for furnishing the City with the construction of Phase I Landfill Gas Management System was approved at 9:35 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Engelhard, Griffin, Hyman, Langley, Larson, Miller and Wright. Noes: Council Members Cox and McKissick. Absent: None.

[ITEMS PULLED FROM THE CONSENT AGENDA]

SUBJECT: PROPOSAL TO OUTSOURCE PARKING MANAGEMENT IN DOWNTOWN DURHAM

To approve in concept the Proposal to Outsource Parking Management in Downtown Durham as recommended by the Administration and Downtown Durham, Inc. and to direct the Administration to proceed with drafting a contract.

Bill Kalkhof, representing Downtown Durham, Inc., spoke in support of this request.

A motion was made by Council Member Clement seconded by Council Member Larson to approve the item as printed on the agenda.

Raymond Eurquhart, a city employee, raised concern relative to the future employment of seven employees.

Interim City Manager Brown

SUBSTITUTE MOTION by Council Member Cox seconded by Council Member Brown to direct the administration to move forward to improve parking operations and to provide an analysis of the costs **FAILED** at 10:26 p.m. by the following vote: Ayes: Council Members Hyman, Cox, Engelhard, Brown and Wright. Noes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Clement, Griffin, Langley, Larson, McKissick and Miller. Absent: None.

MOTION by Council Member Clement seconded by Council Member Larson to approve in concept the Proposal to Outsource Parking Management in Downtown Durham as recommended by the Administration and Downtown Durham, Inc. and to direct the Administration to proceed with drafting a contract was approved at 10:26 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Clement, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: Council Members Cox and Brown. Absent: None.

**SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING
ORDINANCE TO REVISE THE CLASSIFICATION OF CERTAIN
USES (TC43-97)**

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Revise the Classification of Certain Uses."

MOTION by Council Member Clement seconded by Council Member Cox to refer this item to the Public Works Committee for additional consideration was approved at 10:30 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Cox, Engelhard, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned into closed session.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk